

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Russell Berlin Shaw

Docket No. 7:23-CR-12-1M

Petition for Action on Supervised Release

COMES NOW Daniel J. Heimrich, U.S. Probation Officer of the Court, presenting a petition for modification of the Judgment and Commitment Order of Russell Berlin Shaw, who, upon an earlier plea of guilty to Conspiracy to Commit Racketeering, in violation of 18 U.S.C. § 1962(d), was sentenced by the Honorable Glen E. Conrad, Chief United States District Judge, on July 15, 2011, to the custody of the Bureau of Prisons for a term of 120 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 36 months. Russell Berlin Shaw was released from custody on June 2, 2022, at which time the term of supervised release commenced. On February 14, 2023, jurisdiction was transferred to the Eastern District of North Carolina and the case was assigned to the Honorable Richard E. Myers II.

On May 30, 2023, the defendant's supervision was revoked, due to the defendant absconding supervision, using drugs, failing to participate in substance abuse treatment and failing to abide by our Surprise Urinalysis Program. The defendant was sentenced to a term of time served effective May 31, 2023, and supervision was reimposed for a period of 24 months under the previously adopted court ordered conditions. Additionally, the defendant was ordered to complete the Brunswick Christian Recovery Center program in Ash, North Carolina.

On February 28, 2024, the Court was informed that the defendant submitted a urine sample that tested positive for cocaine and had failed to make a payment towards restitution, leaving him in arrears \$700. The defendant's substance abuse treatment frequency was increased, and the defendant was continued on supervision.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On March 13, 2024, the defendant submitted a urine sample that tested positive for cocaine. At the time the test was collected, the defendant admitted to using crack cocaine on Monday, March 11, 2024. Also, the defendant failed to attend scheduled substance abuse treatment sessions on March 4 and March 11, 2024. Due to the defendant's continued drug use and failing to participate in substance abuse treatment as directed, we are recommending that the conditions of supervision be modified to include our standard drug aftercare treatment condition and strike the current drug treatment condition. The previously imposed drug treatment condition did not address participation in a residential treatment facility. It is our intention to get the defendant enrolled in an inpatient treatment facility as soon as possible. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The condition previously ordered, stating: "The defendant shall participate in a program of testing and treatment for substance abuse, as approved by the probation officer, until such time as the defendant has satisfied all requirements of the program," is hereby stricken from the conditions of supervised release.

Except as herein modified, the judgment shall remain in full force and effect.

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Reviewed and approved,

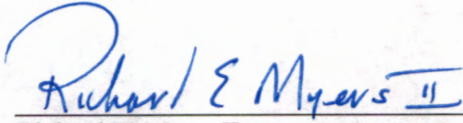
I declare under penalty of perjury that the foregoing is true and correct.

/s/ Keith W. Lawrence
Keith W. Lawrence
Supervising U.S. Probation Officer

/s/ Daniel J. Heimrich
Daniel J. Heimrich
U.S. Probation Officer
150 Rowan Street Suite 110
Fayetteville, NC 28301
Phone: 910-354-2531
Executed On: March 14, 2024

ORDER OF THE COURT

Considered and ordered this 15th day of March, 2024, and ordered filed and made a part of the records in the above case.


Richard E. Myers II
Chief United States District Judge